

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 136**

Citations Affected: IC 5-22-15-20.5.

Synopsis: Purchasing. Conference committee report for ESB 136. Removes the expiration date of a provision concerning certain purchasing preferences for certain businesses. **(This conference committee report returns the bill to the version that passed the Senate.)**

Effective: July 1, 2009.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 136 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-22-15-20.5, AS AMENDED BY P.L.4-2005,
- 3 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 20.5. (a) This section applies only to a contract
- 5 awarded by a state agency.
- 6 (b) As used in this section, "Indiana business" refers to any of the
- 7 following:
- 8 (1) A business whose principal place of business is located in
- 9 Indiana.
- 10 (2) A business that pays a majority of its payroll (in dollar
- 11 volume) to residents of Indiana.
- 12 (3) A business that employs Indiana residents as a majority of its
- 13 employees.
- 14 (4) A business that makes significant capital investments in
- 15 Indiana.
- 16 (5) A business that has a substantial positive economic impact on
- 17 Indiana as defined by criteria developed under subsection (c).
- 18 (c) The Indiana department of administration shall consult with the
- 19 Indiana economic development corporation in developing criteria for
- 20 determining whether a business is an Indiana business under subsection
- 21 (b). The Indiana department of administration may consult with the
- 22 Indiana economic development corporation to determine whether a

particular business meets the requirements of this section and the criteria developed under this subsection.

(d) There are the following price preferences for supplies purchased from an Indiana business:

(1) Five percent (5%) for a purchase expected by the state agency to be less than five hundred thousand dollars (\$500,000).

(2) Three percent (3%) for a purchase expected by the state agency to be at least five hundred thousand dollars (\$500,000) but less than one million dollars (\$1,000,000).

(3) One percent (1%) for a purchase expected by the state agency to be at least one million dollars (\$1,000,000).

(e) Notwithstanding subsection (d), a state agency shall award a contract to the lowest responsive and responsible offeror, regardless of the preference provided in this section, if:

(1) the offeror is an Indiana business; or

(2) the offeror is a business from a state bordering Indiana and the business's home state does not provide a preference to the home state's businesses more favorable than is provided by Indiana law to Indiana businesses.

(f) A business that wants to claim a preference provided under this section must do all of the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (b)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to Indiana residents.

(C) The number of the business's employees and the number of the business's employees who are Indiana residents.

(D) If the business claims the preference as an Indiana business described in subsection (b)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (b)(5), a description of the substantial positive economic impact the business has on Indiana.

~~(g) This section expires July 1, 2009.~~

(Reference is to ESB 136 as reprinted March 17, 2009.)

Conference Committee Report
on
Engrossed Senate Bill 136

Signed by:

Senator Charbonneau
Chairperson

Representative Battles

Senator Arnold

Representative Dermody

Senate Conferees

House Conferees